

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CAUSE NO.: 2:13-CR-53-JTM-JEM
)	
ANTONIO WILSON,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On March 13, 2019, the United States Government appeared by counsel Assistant United States Attorney Thomas M. McGrath. Defendant Antonio Wilson appeared in person and by counsel Scott King and in the custody of the United States Marshal. United States Probation Officer Mark Kroft appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

On September 20, 2013, Defendant Wilson pled guilty to the charges in Count 3 of the Indictment. On January 17, 2014, Judge Rudy Lozano originally sentenced Defendant Wilson to, among other things, a term of imprisonment followed by 6 years of supervised release subject to specified written terms and conditions.

On September 4, 2018, the Government filed a Petition alleging that the Defendant violated the terms and conditions of his supervised release [DE 39], and an arrest warrant was issued. On September 6, 2018, Defendant Wilson was arrested and an Initial Appearance was held.

On February 13, 2019, Defendant Wilson, by counsel, filed a Motion to Transfer to Magistrate Judge, which was granted, and on February 25, 2019, Judge James Moody issued an

Order referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and N.D. Ind. Local Rule 72-1.

As a result of the March 13, 2019, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant Wilson has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant Wilson understands the proceedings, allegations and his rights;
3. Defendant Wilson knowingly and voluntarily admitted that he committed Grade B and C violations alleged in the September 4, 2018 Petition [DE 39], including testing positive for marijuana on three occasions, therefore possessing marijuana, and associating with known convicted felons;
4. The violations are Grade B and C violations, Defendant's criminal history category is III, and the advisory guideline range is 8 to 14 months imprisonment.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. The remaining violations alleged in the September 4, 2018 Petition [DE 39] be dismissed;
2. Defendant Wilson be sentenced to a term of seven months of incarceration;
3. Defendant Wilson be given credit for any time served awaiting disposition;

4. After completion of the seven-month sentence, Defendant Wilson not continue on supervised release.

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 13th day of March, 2019.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
District Judge James Moody